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April 28, 2023

MEMORANDUM ENDORSED

VIA ECF

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Northwest Biotherapeutics Inc. v. Canaccord Genuity LLC, et al.*,
No. 1:22-cv-10185-GHW-GWG

Dear Judge Gorenstein:

We represent Defendant Citadel Securities LLC in the above-captioned action and also write on behalf of co-Defendants Canaccord Genuity LLC, G1 Execution Services LLC, GTS Securities LLC, Instinet LLC, Lime Trading Corp., and Virtu Americas LLC (collectively, "Defendants") concerning the briefing schedule for Defendants' motion to dismiss the Amended Complaint and associated page limits.

On January 20, 2023, following pre-motion letters from the parties, the Court waived its pre-motion conference for Defendants' motions to dismiss. Pursuant to a schedule approved by the Court, Defendants filed motions to dismiss on March 20, 2023. ECF Nos. 85-91. Rather than oppose the motions, Plaintiff filed an Amended Complaint on April 10, 2023. ECF No. 95. Defendants intend to move to dismiss the Amended Complaint because it fails to state a claim for many of the same—and additional—reasons identified in Defendants' initial pre-motion conference correspondence and motions to dismiss. Accordingly, Defendants respectfully submit that further pre-motion correspondence would be at least partially duplicative of those already filed (ECF Nos. 69, 70, 75) and request that the Court waive the pre-motion letter and conference requirements for Defendants' forthcoming motion to dismiss the Amended Complaint.

Defendants have conferred with Plaintiff pursuant to Rule 2(B) of the Court's Individual Practices, and Plaintiff has no objection to the following page limits and proposed deadlines:

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- June 12, 2023: Defendants will submit a joint memorandum of law, not to exceed 40 pages.
- July 26, 2023: Plaintiff will submit an opposition brief of up to the total number of pages of the joint memorandum submitted by Defendants.
- August 28, 2023: Defendants will submit a joint reply memorandum of law, not to exceed 25 pages.

The Amended Complaint spans 314 paragraphs and includes 220 pages of exhibits. As with the original Complaint, Defendants believe it will be more efficient for the seven Defendants to submit a joint memorandum of law rather than separate memoranda, and Defendants respectfully request that the Court grant the above briefing schedule and page limits.


Respectfully submitted,

/s/ William Burck
William Burck

cc: All counsel of record (via ECF)

The proposals regarding the briefing schedule and page limitations as stated in this letter are approved.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
May 1, 2023